

Filed for intro on 02/01/2001  
HOUSE BILL 210 By  
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SENATE BILL 510  
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AN ACT to amend the charter of the City of Morristown relative to vacancies in the office of mayor and city council and qualifications of council members for certain offices, and to amend Chapter 103 of the Acts of 1903; as amended by Chapter 502 of the Acts of 1907; Chapter 84 of the Private Acts of 1915; Chapter 640 of the Private Acts of 1917; Chapter 792 of the Private Acts of 1927; Chapter 581 of the Private Acts of 1929; Chapter 527 of the Private Acts of 1941; Chapter 266 of the Private Acts of 1945; Chapter 206 of the Private Acts of 1947; Chapter 112 of the Private Acts of 1963; Chapter 487 of the Private Acts of 1968; Chapter 269 of the Private Acts of 1978 and Chapter 138 of the Private Acts of 2000; and any other acts amendatory thereto.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Section 2 of Chapter 103 of the Acts of 1903, as amended by Chapter 502 of the Acts of 1907, Chapter 792 of the Private Acts of 1927, Chapter 266 of the Private Acts of 1945, Chapter 206 of the Private Acts of 1947, Chapter 269 of the Private Acts of 1978, Chapter 138 of the Private Acts of 2000, and all other acts amendatory thereto, is amended by deleting the fourth and final paragraph in its entirety and by substituting in lieu thereof the following paragraph:

Before entering upon the duties of office, the mayor and council members shall take an oath to faithfully demean themselves in office, and perform the duties thereof. All vacancies in the council, including the office of mayor, shall be filled by a vote of a majority of the remaining members thereof, to serve until the second Monday of May following the next city election for members of council.

SECTION 2. Section 3 of Chapter 103 of the Acts of 1903, as amended by Chapter 84 of the Private Acts of 1915, Chapter 640 of the Private Acts of 1917, Chapter 792 of the Private Acts of 1927, Chapter 581 of the Private Acts of 1929, Chapter 527 of the Private Acts of 1941, Chapter 206 of the Private Acts of 1947, Chapter 112 of the Private Acts of 1963, Chapter 487 of the Private Acts of 1968, Chapter 269 of the Private Acts of 1978, Chapter 138 of the Private Acts of 2000, and all other acts amendatory thereto, is amended by deleting the fifth and final paragraph in its entirety and by substituting in lieu thereof the following new paragraph:

No person shall be elected mayor who is not at the time of his election a citizen of the state of Tennessee, and a bona fide resident of the city. When two (2) or more shall have an equal number of votes for the office of mayor, the election shall be decided by a majority of the votes of the council-elect. No council member whose term extends beyond the next mayoral election may qualify as a candidate for the office of mayor if such council member holds office as such thirty (30) days prior to the final day for qualification as a candidate for mayor. Such council member shall not be disqualified from being appointed by the council to serve as a council member until the second Monday of May following the next city election for members of council and mayor, to fill the vacancy created by his or her resignation from office. The mayor may fill all vacancies occurring in any offices, except that of council member, until the same be filled by election. It shall be the duty of the mayor to preside at all meetings of the council; to see that all the ordinances of the city are duly enforced, respected and observed within the city; to take an oath of office before entering upon the duties of the same; and to call

special sessions of the council when the mayor deems it expedient. The mayor shall be entitled to a vote upon all matters before the council the same as a council member, whether there be a tie or not, but shall not be entitled to vote as mayor and an additional vote as presiding officer.

SECTION 3. All provisions of law in conflict herewith are repealed.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall not take effect unless the same shall have been approved by a majority of the number of qualified voters of the City of Morristown voting in an election on the question of whether or not this act shall be approved, said election to be held at the time of the city election on the first Tuesday in May, 2001. The ballots used in the election shall have printed on them the substance of this act and voters shall vote for or against its approval. The qualifications of voters voting on the question shall be the same as those required for participation in voting in city elections. The votes cast on the question shall be canvassed and the results proclaimed by the county election commissioners and certified by them to the secretary of state as provided by law in the case of general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this act.

SECTION 6. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective upon being approved as provided in Section 5.